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Dep & Ref. No. 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 MAR 32 PM 4:00

2004 MAR 31 PM 1:03

EXAMINER : 1648
EXAMINER : B. Q. Li
APPLICANT : GERD HOBOM ET AL.
APPLN. NUMBER : 10/073,377
FILED : February 8, 2002
FOR : INFLUENZA VIRUS WITH ENHANCED TRANSCRIPTIONAL
AND REPLICATIONAL CAPACITIES

US PATENT & TRADEMARK
OFFICE

Commissioner for Patents
Refund Section, Accounting Division
Office of Finance
P.O. Box 1450
Arlington, VA 22313-1450

**REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 14-1263, for the above identified patent application.

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

		Refund Requested
<input type="checkbox"/>	Filing fee	
<input type="checkbox"/>	Surcharge for filing the basic filing fee later than the filing fee of the application (37 CFR 1.155)	
	and/or	
<input type="checkbox"/>	Surcharge for filing the oath or declaration later than the filing date of the application (37 CFR 1.156)	
<input type="checkbox"/>	Extension of the term for first month	
<input type="checkbox"/>	Excess Claims	
<input type="checkbox"/>	Issue Fee	

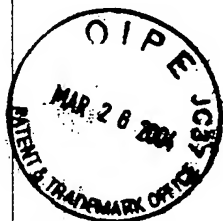
<input type="checkbox"/>	Petition Fee		STATUS AND ENTITY BRANCH
<input checked="" type="checkbox"/>	Other- 3-month extension of time	\$ 475.00	
TOTAL REFUND REQUESTED			2004 MAR 31 PM 1:03
		950-475- \$475.00	

III. EXPLANATION OF WHY CONTINUED CHARGE IS IN ERROR

The response to Office Action dated September 24, 2004 required only a small entity fee of \$475.00 for the 3-month extension of time. A copy of the 3-month extension of time filed on January 23, 2004 claiming small entity status is submitted herewith.

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 14-1263.



Respectfully Submitted,

[Signature]
 David D. Kim
 Reg. No. 53,123

Norris, McLaughlin & Marcus P.A.
 220 East 42nd Street, 30th Floor
 New York, N.Y. 10017
 Telephone: (212) 808-0700
 Telecopier: (212) 808-0844

Enclosure: Copy of Petition for Extension of Time

CERTIFICATE OF MAILING

I hereby certify that this correspondence and the attached copy of Petition for Extension of Time are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

Date: March 23, 2004

[Signature]
 Jeanne A. Ack

PETITION FOR EXTENSION

CERTIFICATE OF ADOPTION

David D. Kim

BRANCH

February 8, 2002 1:03

Abstract

The requested extension and appropriate nonaffiliated entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
☐ Two months (37 CFR 1.17(a)(2)) \$ _____
☒ Three months (37 CFR 1.17(a)(3)) \$ 950.00
☐ Four months (37 CFR 1.17(a)(4)) \$ _____
☐ Five months (37 CFR 1.17(a)(5)) \$ _____

- ☒ Applicant claims small entity status. See 37 CFR 1.01. Therefore, the fee amount shown above is reduced by one-half the maximum fee to \$12,500.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form 1790-2/90 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263.
- I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

- ☐ assignee of record of the assignment under 37 CFR § 1.31.
Statement under 37 CFR § 1.31(b) is enclosed. (Form PTO/SB/96)
- ☐ attorney or agent of record.
- ☒ attorney or agent under 37 CFR § 1.31(a).
Registration number if assigned: 07/00000000000000000000000000000000

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January 23, 2004

Date _____

(212) 808-0700

Telephone Number

DAVID R. KING

Typed or printed name

NOTE: Signatures of all the inventors or assignees must be on the patent or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☐ Total of

This collection of information is required by 37 C.F.R. 1.111 and is governed by 25 U.S.C. 122 and 37 C.F.R. 1.111. The collection of information is very dependent upon the needs of the Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce. Send comments to: Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 14th Street, N.W., Washington, D.C. 20540. Send TO: Commissioner for Patents, P.O. Box 180, Springfield, MA 01103.

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JAN 23 2004

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Approved for use through 7/31/2003. CMB 0631-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 100725-14
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Petition for Extension of Time is being transmitted via facsimile to the United States Patent and Trademark Office on the 23rd day of January, 2004

David D. Kim

In re Application of
Gerd Hobem et alApplication Number
10/ 073,377Filed
February 8, 2002For
Influenza Viruses with Enhanced Transcriptional and
Replication CapacitiesArt Unit
1648Examiner
B.Q. Li

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) \$ _____
- ☒ Three months (37 CFR 1.17(a)(3)) \$ 950.00
- ☐ Four months (37 CFR 1.17(a)(4)) \$ _____
- ☐ Five months (37 CFR 1.17(a)(5)) \$ _____

- ☒ Applicant claims small entity status. See 37 CFR 1.26. Therefore, the fee amount shown above is reduced by one-half the resulting fee is: \$ 475.00.

- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263.
- I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ attorney or agent of record.

☒ attorney or agent under 37 CFR 1.34(a):

Registration number if acting under 37 CFR 1.34(a) 53,123

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 23, 2004

Date

(212) 808-0700

Telephone Number

Signature

David D. Kim

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). This information is required to enable or make a benefit by the public which is in the form by the USPTO to process an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.14. This collection is subject to the 6 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form under regulations for submitting this form, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT AGREE WITH OR CONSENTED PERMIT TO THIS ADDRESS. SEND TO: Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 01 * RWD AT 17:22:04 5/15/2004 Eastern Standard Time * SVR USPTO-EF-XF-10 * DNS 17/23/04 * CSD:212 808 0844 * DURATION (mm:ss):01:04

01 FC:1253 950.00 DA

Adjustment date: 04/09/2004 SDIRETA1
02/04/2004 DMRITND 00000008 141263 10073377
01 FC:1253 950.00 CR

04/09/2004 SDIRETA1 00000003 141263 10073377

01 FC:2253 475.00 DA